

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAE Y. LEE, *et al.*,

Defendants.

CASE NO. CR19-0228-JCC

ORDER

This matter comes before the Court on Defendants Kevin Puls and Richard Reid's unopposed motion to continue trial (Dkt. No. 64). Defendants are charged by indictment with Conspiracy to Solicit and Receive Kickbacks Involving Health Care Programs and to Offer and Pay Kickbacks Involving Health Care Programs, in violation of 18 U.S.C. § 371, and Receipt of Kickbacks, in violation of 42 U.S.C. § 1320a-7b(1)(B) and 18 U.S.C. § 2. (Dkt. No. 3.) Trial is currently scheduled for February 1, 2021. (Dkt. No. 50.) Defendants ask the Court to continue trial to April 26, 2021. (Dkt. No. 64.) Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Defendants seek a continuance to ensure that defense counsel have adequate time to review discovery and prepare for trial and pretrial motions. The Government has produced voluminous discovery, including 177 gigabytes of data, and the COVID-19 pandemic has rendered it more difficult for defense counsel to review this material. (Dkt. No. 64 at 3.)

1 Defendants maintain that accessing discovery from remote locations has been a challenge for  
2 defense counsel due to bandwidth limitations and the size of many discovery items. (*Id.*) Further,  
3 because of public health guidance and related restrictions, it has been difficult to ensure that  
4 Defendants have an opportunity to review the evidence in their case. (*Id.*) Defendants have filed  
5 waivers of their speedy trial rights up to and including April 26, 2021. (Dkt. Nos. 65, 66.)

6 In addition to affecting trial preparation and communication between Defendants and  
7 their counsel, the COVID-19 pandemic has significantly impacted the Court's operations over  
8 the past nine months. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each  
9 of which the Court incorporates by reference.)

10 Having thoroughly considered the briefing and the relevant record, the Court FINDS that:

- 11 1. The ends of justice served by granting a continuance outweigh the best interests of  
12 Defendants and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).
- 13 2. Taking into account the exercise of due diligence, the failure to grant a continuance  
14 would deny Defendants' counsel reasonable time necessary for effective preparation,  
15 *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of  
16 justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
- 17 3. This case is sufficiently complex that it is unreasonable to expect adequate  
18 preparation for trial within the time limits established by the Speedy Trial Act. *See* 18  
19 U.S.C. § 3161(h)(7)(B)(ii).
- 20 4. The additional time requested is a reasonable period of delay, as defense counsel have  
21 requested more time to prepare for trial, to investigate the matter, to gather evidence  
22 material to the defense, and to consider possible defenses.
- 23 5. The additional time requested between the current trial date and the new trial date is  
24 necessary to provide defense counsel time to prepare for trial considering counsels'  
25 schedules and all the facts set forth above.

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1 Accordingly, the Court ORDERS:

- 2 1. The February 1, 2021 jury trial is CONTINUED until April 26, 2021.
- 3 2. The December 21, 2021 pretrial motions deadline is CONTINUED to March 15,
- 4 2021.
- 5 3. The period from the date of this order until April 26, 2021 is an excludable time
- 6 period under 18 U.S.C. § 3161(h)(7)(A).

7 DATED this 21st day of December 2020.

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11 John C. Coughenour  
UNITED STATES DISTRICT JUDGE

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